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July 25, 2003



James I. Palmer, Regional Administrator
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA. 30303-8909

Re: *South Carolina Air Quality Implementation Plan (SIP) Revision* (South Carolina Department of Health and Environmental Control; Statutory Authority, Section 48-1-10, *et seq.* of the 1976 S.C. Code of Laws, as amended) - *Regulation 61-62.1, Section IV B.2.-Source Tests*

Dear Mr. Palmer:

Pursuant to S.C. Code Section 48-1-50, the South Carolina Department of Health and Environmental Control (Department) promulgated an amendment to Section IV "Source Tests" of *Regulation 61-62.1, Definitions and General Requirements*. The purpose of the revision is to clarify language specifying authorization for proposing alternate test methods. This revision was adopted in conformance with the South Carolina Pollution Control Act and the State Administrative Procedures Act. These amendments were incorporated into state regulation in conjunction with several other amendments needed to maintain consistency with 40 CFR Parts 60, 63 and 70. Therefore, the recently adopted changes to R.61-62.1 are not found until page 6 of the document entitled "Public Hearing Before the Board and Consideration for Final Approval" otherwise known as a board agenda item (Attachment 1). A copy of the agenda item for the South Carolina Board of Health and Environmental Control's (Board) June 12, 2003 public hearing, and excerpts from the minutes of the Board meeting are enclosed as Attachments 1 and 2. The Board gave its final approval of this regulation at that meeting.

1. On June 27, 2003, the *South Carolina State Register (State Register)* promulgated the full text of the revision as Document Number 2840, and established the effective date upon its publication (Attachment 3).
2. The public hearing was held before the Board in accordance with information provided in the public notices in the *State Register*. A copy of the verbatim transcript of the public hearing is furnished as Attachment 4.
3. A staff-conducted informational forum was held on May 27, 2003, for the purpose of answering questions, clarifying issues, and accepting formal comments from interested public on the proposed amendments. No comments were received at this forum.

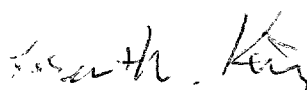
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4. All notices published in the *State Register* were also published on the Department's website at www.scdhec.com/co/regs/ and distributed to interested parties on a mailing list maintained by the Department. Copies of the Notices are submitted as Attachments 5 and 6.

5. South Carolina has the necessary legal authority to adopt and implement this revision to the SIP. Section 2 of South Carolina's EPA-approved SIP, which defines the State's statutory powers as required in 40 CFR 51.230, is submitted as Attachment 7.

Four additional copies are being forwarded directly to your Air Planning Branch. If you or your staff have any questions or comments concerning these revisions, please contact Heather Preston of the Bureau of Air Quality at 803-898-4287.

Sincerely,



R. Lewis Shaw, P.E.
Deputy Commissioner for
Environmental Quality Control

cc: James A. Joy III, P.E., Chief, Bureau of Air Quality
Beverly Banister, Director, Air, Pesticides, and Toxics Management Division
Kay Prince, Chief, Air Planning Branch, USEPA Region IV

attachments:

1. Board Agenda Item - June 12, 2003.
2. Minutes of the June 12, 2003 Board meeting.
3. Document Number 2840 as published in the *South Carolina State Register* on June 27, 2003.
4. Copy of the verbatim transcript of the Public Hearing.
- 5 - 6. Copies of Notices published in the *South Carolina State Register*.
7. South Carolina's Legal Authority - Excerpt from the EPA-approved SIP.

Document No. 2840
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan

Synopsis:

Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) has amended Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP), to make corrections and clarifications and to incorporate new Federal requirements into the existing regulations.

Among the revisions are amendments to R. 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and R. 61-62.63, *National Emission Standards for Hazardous Air Pollutants*, to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department revised R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department amended R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department made typographical corrections and clarifications to R.61-62 as necessary.

The amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* are necessary to maintain consistency with Federal rules and does not require legislative review.

A Notice of Drafting for these proposed changes was published in the *State Register* on November 22, 2002. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Revisions

SECTION CITATION:	EXPLANATION OF CHANGE:
R R. 61-62.1, Section II H.1(a) – Permit Requirements	Delete the words “Section I,”
R. 61-62.1, Section IV B. 2. – Source Tests	Clarify language specifying authorization of proposing alternate test methods
R. 61-62.60	Tables in Subparts A, J, SSS, VVV, and AAAA are amended
R. 61-62.63	Tables in Subparts A, T, AA, BB, GG, LL, SS, TT, UU, WW, YY, EEE, JJJ, LLL, MMM, RRR, VVV, and GGGG are amended
R. 61-62.63	Tables in Subparts J, XX, QQQ, UUU, HHHH, JJJJ, NNNN, SSSS, TTTT, UUUU, XXXX, and QQQQQ

are added in alpha-numeric order and incorporated by reference

R. 61-62.70.2 r (2)(xxvii)

Amend definition to include stationary sources regulated as of August 7, 1980

R. 61-62.70.5(a)(1)(ii)

Add deleted text to paragraph (ii)

Instructions:

Amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, pursuant to each individual instruction provided below with the text of the amendments.

Text of Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards:

R. 61-62.1, Definitions and General Requirements:

Revise Section II. H.1.(a) – Permit Requirements to read:

SECTION II – PERMIT REQUIREMENTS

H. Synthetic Minor Plant Permits

1. General Provisions

(a) Any stationary source that is a major plant or major modification, as defined by S.C. Regulation 61-62.5, Standard No. 7 may request to use federally enforceable permit conditions to limit the source's potential to emit and become a synthetic minor plant.

R. 61-62.1, Definition and General Requirements:

Revise Section IV B.2. – Source Tests to read:

SECTION IV – SOURCE TESTS

B. Submission and Approval of a Site-Specific Test Plan

2. All test methods included in the site-specific test plan must be either EPA Reference Methods described in 40 CFR Part 51, Appendix M, or 40 CFR Part 60, Appendix A, or 40 CFR Part 61, Appendix B, or 40 CFR Part 63, Appendix A. If an applicable air regulation or permit provides for a choice of test methods, the selected method must be approved by the Department. If an applicable air regulation or permit does not specify use of an EPA standard reference method, the alternative test method to be used must be approved by the Department.

R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards:

Revise Regulation 61-62.60, Subpart A to read:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 60, subpart A, as originally published in the *Federal Register* and

as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 66	August 27, 2001	[66 FR 44978]

Revise Regulation 61-62.60, Subpart J to read:

Subpart J - “Standards of Performance for Petroleum Refineries”

The provisions of Title 40 CFR Part 60, subpart J as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart SSS to read:

Subpart SSS - “Standards of Performance for Magnetic Tape Coating Facilities”

The provisions of Title 40 CFR Part 60, subpart SSS as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart SSS

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 53	October 3, 1988	[53 FR 38914]
Revision	Vol. 53	October 28, 1988	[53 FR 43799]
Revision	Vol. 53	November 29, 1988	[53 FR 47955]
Revision	Vol. 53	December 9, 1988	[53 FR 49822]
Revision	Vol. 64	February 12, 1999	[64 FR 7467]

Revise Regulation 61-62.60, Subpart VVV to read:

Subpart VVV - “Standards of Performance for Polymeric Coating of Supporting Substrates Facilities”

The provisions of Title 40 CFR Part 60, subpart VVV as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 54	September 11, 1989	[54 FR 37551]
Revision	Vol. 61	March 12, 1996	[61 FR 9905]

Revise Regulation 61-62.60, Subpart AAAA to read:

Subpart AAAA - “New Source Performance Standards for New Small Municipal Waste Combustion Units”

The provisions of Title 40 CFR Part 60, subpart AAAA as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart AAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 6, 2000	[65 FR 76350]

R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Revise Regulation 61-62.63, Subpart A to read:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 63, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]

Add Regulation 61-62.63, Subpart J to read:

Subpart J - “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production”

The provisions of Title 40 CFR Part 63, subpart J, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 10, 2002	[67 FR 45866]

Revise Regulation 61-62.63, Subpart T to read:

Subpart T - “National Emission Standards for Halogenated Solvent Cleaning”

The provisions of Title 40 CFR Part 63, subpart T, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 2, 1994	[59 FR 61805]
Revision	Vol. 59	December 30, 1994	[59 FR 67750]
Revision	Vol. 60	June 5, 1995	[60 FR 29485]

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	May 5, 1998	[63 FR 24751]
Revision	Vol. 63	December 11, 1998	[63 FR 68400]
Revision	Vol. 64	July 13, 1999	[64 FR 37687]
Revision	Vol. 64	October 18, 1999	[64 FR 56173]
Revision	Vol. 64	December 3, 1999	[64 FR 67793]
Revision	Vol. 65	September 8, 2000	[65 FR 54419]

Revise Regulation 61-62.63, Subpart AA to read:

Subpart AA - “National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants”

The provisions of Title 40 CFR Part 63, subpart AA, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart AA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31376]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 12, 2002	[67 FR 40578]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]

Revise Regulation 61-62.63, Subpart BB to read:

Subpart BB - “National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizer Production Plants”

The provisions of Title 40 CFR Part 63, subpart BB, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31382]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]

Revise Regulation 61-62.63, Subpart GG to read:

Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

The provisions of Title 40 CFR Part 63, subpart GG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GG			
Federal Register Citation	Volume	Date	Notice

40 CFR Part 63 subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15016]
Revision	Vol. 63	September 1, 1998	[63 FR 46532]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]

Add Regulation 61-62.63, Subpart LL to read:

Subpart LL - “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”

The provisions of Title 40 CFR Part 63, subpart LL, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart LL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997	[62 FR 52407]

Revise Regulation 61-62.63, Subpart SS to read:

Subpart SS - “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process”

The provisions of Title 40 CFR Part 63, subpart SS, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart SS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34866]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Revise Regulation 61-62.63, Subpart TT to read:

Subpart TT - “National Emission Standards for Equipment Leaks - Control Level 1”

The provisions of Title 40 CFR Part 63, subpart TT, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart TT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34886]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Revise Regulation 61-62.63, Subpart UU to read:

Subpart UU - “National Emission Standards for Equipment Leaks - Control Level 2 Standards”

The provisions of Title 40 CFR Part 63, subpart UU, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34899]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Revise Regulation 61-62.63, Subpart WW to read:

Subpart WW - “National Emission Standards for Storage Vessels (Tanks) - Control Level 2”

The provisions of Title 40 CFR Part 63, subpart WW, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart WW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34918]
Revision	Vol.67	July 12, 2002	[67 FR 46258]

Add Regulation 61-62.63, Subpart XX to read:

Subpart XX - “National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations”

The provisions of Title 40 CFR Part 63, subpart XX, as originally published in the *Federal* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 12, 2002	[67 FR 46258]

Revise Regulation 61-62.63, Subpart YY to read:

Subpart YY - “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”

The provisions of Title 40 CFR Part 63, subpart YY, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart YY

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34921]
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]

Revise Regulation 61-62.63, Subpart EEE to read:

Subpart EEE - “National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors”

The provisions of Title 40 CFR Part 63, subpart EEE, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September 30, 1999	[64 FR 53027]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 19, 2002	[67 FR 77687]

Revise Regulation 61-62.63, Subpart JJJ to read:

Subpart JJJ - “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

The provisions of Title 40 CFR Part 63, subpart JJJ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48229]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1838]
Revision	Vol. 62	June 6, 1997	[62 FR 30995]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]
Revision	Vol. 63	February 27, 1998	[63 FR 9944]

40 CFR Part 63 subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	March 31, 1998	[63 FR 15315]
Revision	Vol. 64	March 9, 1999	[64 FR 11547]
Revision	Vol. 64	June 8, 1999	[64 FR 30409]
Revision	Vol. 64	June 30, 1999	[64 FR 35028]
Revision	Vol. 65	June 19, 2000	[65 FR 38094]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]
Revision	Vol. 66	February 23, 2001	[66 FR 11233]
Revision	Vol. 66	February 26, 2001	[66 FR 11543]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]
Revision	Vol. 66	August 6, 2001	[66 FR 40903]

Revise Regulation 61-62.63, Subpart LLL to read:

Subpart LLL - “National Emission Standards for the Portland Cement Manufacturing Industry”

The provisions of Title 40 CFR Part 63, subpart LLL, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31925]
Revision	Vol. 64	September 30, 1999	[64 FR 53070]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]

Revise Regulation 61-62.63, Subpart MMM to read:

Subpart MMM - “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”

The provisions of Title 40 CFR Part 63, subpart MMM, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart MMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 23, 1999	[64 FR 33589]
Revision	Vol. 66	November 21, 2001	[66 FR 58393]
Revision	Vol. 67	March 22, 2002	[67 FR 13508, 13514]
Revision	Vol. 67	May 1, 2002	[67 FR 21579]
Revision	Vol. 67	June 3, 2002	[67 FR 38200]
Revision	Vol. 67	September 20, 2002	[67 FR 59336]

Add Regulation 61-62.63, Subpart QQQ to read:

Subpart QQQ - “National Emission Standards for Hazardous Air Pollutants for Primary Copper

Smelting”

The provisions of Title 40 CFR Part 63, subpart QQQ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart QQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 12, 2002	[67 FR 40478]

Revise Regulation 61-62.63, Subpart RRR to read:

Subpart RRR - “National Emission Standards for Hazardous Air Pollutant Emissions for Secondary Aluminum Production”

The provisions of Title 40 CFR Part 63, subpart RRR, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]

Add Regulation 61-62.63, Subpart UUU to read:

Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units”

The provisions of Title 40 CFR Part 63, subpart UUU, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]

Revise Regulation 61-62.63, Subpart VVV to read:

Subpart VVV - “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”

The provisions of Title 40 CFR Part 63, subpart VVV, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart VVV			
Federal Register Citation	Volume	Date	Notice

40 CFR Part 63 subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	October 26, 1999	[64 FR 57572]
Revision	Vol. 66	March 23, 2001	[66 FR 16140]
Revision	Vol. 67	October 10, 2002	[67 FR 64742]

Revise Regulation 61-62.63, Subpart GGGG to read:

Subpart GGGG - “National Emission Standards For Hazardous Air Pollutants: Solvent Extraction For Vegetable Oil Production”

The provisions of Title 40 CFR Part 63, subpart GGGG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	April 12, 2001	[66 FR 19006]
Revision	Vol. 67	April 5, 2002	[67 FR 16317]

Add Regulation 61-62.63, Subpart HHHH to read:

Subpart HHHH - “National Emission Standards For Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production”

The provisions of Title 40 CFR Part 63, subpart HHHH, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17824]

Add Regulation 61-62.63, Subpart JJJJ to read:

Subpart JJJJ - “National Emission Standards For Hazardous Air Pollutants: Paper and Other Web Coating”

The provisions of Title 40 CFR Part 63, subpart JJJJ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	December 4, 2002	[67 FR 72330]

Add Regulation 61-62.63, Subpart NNNN to read:

Subpart NNNN - “National Emission Standards For Hazardous Air Pollutants: Surface Coating of Large Appliances”

The provisions of Title 40 CFR Part 63, subpart NNNN, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart NNNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 23, 2002	[67 FR 48254]

Add Regulation 61-62.63, Subpart SSSS to read:

Subpart SSSS - “National Emission Standards For Hazardous Air Pollutants: Surface Coating of Metal Coil”

The provisions of Title 40 CFR Part 63, subpart SSSS, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart SSSS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 10, 2002	[67 FR 39794]

Add Regulation 61-62.63, Subpart TTTT to read:

Subpart TTTT - “National Emission Standards For Hazardous Air Pollutants for Leather Finishing Operations”

The provisions of Title 40 CFR Part 63, subpart TTTT, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart TTTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	February 27, 2002	[67 FR 9156]

Add Regulation 61-62.63, Subpart UUUU to read:

Subpart UUUU - “National Emission Standards For Hazardous Air Pollutants for Cellulose Products Manufacturing”

The provisions of Title 40 CFR Part 63, subpart UUUU, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 11, 2002	[67 FR 40044]

Add Regulation 61-62.63, Subpart XXXX to read:

Subpart XXXX - “National Emission Standards For Hazardous Air Pollutants for Rubber Tire Manufacturing”

The provisions of Title 40 CFR Part 63, subpart XXXX, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XXXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 9, 2002	[67 FR 45588]

Revise Regulation 61-62.63, Subpart QQQQQ to read:

Subpart QQQQQ - “National Emission Standards For Hazardous Air Pollutants for Friction Materials Manufacturing Facilities”

The provisions of Title 40 CFR Part 63, subpart QQQQQ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart QQQQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	October 18, 2002	[67 FR 64498]

R. 61-62.70, Title V Operating Permit Program:

Revise Section 70.2 r.(2)(xxvii) to read:

(xxvii) Any other stationary source category, which as of August 7, 1980, is being regulated under section 111 or 112 of the Act;

R. 61-62.70.5 Permit applications

Revise Section 70.5 a.(1)(ii), to read:

(a) Duty to apply. For each Part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this Section.

(1) Timely application.

(i) A timely application for a source applying for a Part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the Department may establish.

(ii) Part 70 sources required to meet the requirements under Section 112(g) of the Act, or to have a permit under the preconstruction review program approved into the South Carolina Implementation Plan under Part C or D of Title I of the Act, shall file a complete application to obtain the Part 70 permit or permit revision within 12 months after commencing operation or on or before such earlier date as the permitting authority may establish. Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation.

Fiscal Impact Statement:

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of this amendment; therefore, no additional

state funding is being requested. Existing staff and resources will be utilized in additional regulatory administration resulting from these amendments to the regulations. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

Purpose of Regulation: These amendments and corrections will maintain conformity with Federal requirements and ensure compliance with Federal standards.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards*, is S.C. Code Section 48-1-10 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutant*; to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to maintain consistency with Federal rules and will not require legislative review.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

EPA has provided the estimated costs and benefits for these standards in the *Federal Register* notices

that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in Federal law through the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

While there is no specific detrimental effect on the environment and public health, the State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.

ATTACHMENT 1

Board Agenda Item
June 12, 2003

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
June 12, 2003

(X) ACTION
() INFORMATION

- I. TITLE: Public Hearing Before the Board and Consideration for Final Approval.
Proposed Amendment of Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP).
State Register Document No. 2840.
Exempt From Legislative Review.
- II. SUBJECT: Request for Finding of Need and Reasonableness Pursuant to S.C. Code Section 1-23-111.

III. FACTS

1. The Department of Health and Environmental Control (Department) proposes to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP), to make corrections and clarifications and to incorporate new Federal requirements into the existing regulations. The proposed amendments are necessary to maintain consistency with Federal rules and will not require legislative review. The Summary of Proposed Revisions and Text of the Proposed Amendments are submitted as Attachments B and C.
2. Among the revisions being proposed are amendments to R. 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and R. 61-62.63, *National Emission Standards for Hazardous Air Pollutants*, to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.
3. A Notice of Drafting for these proposed changes was published in the *State Register* on November 22, 2002. The drafting comment period for the Notice ended on December 23, 2002. The Department received no comments to the Notice of Drafting. A copy of the Notice of Drafting is submitted as Attachment D.
4. A copy of the applicable law is submitted as Attachment E.
5. On April 10, 2003, the Board granted staff initial approval to public notice the proposed amendments, to provide opportunity for public comment, and to arrange a staff-conducted informational forum. A Notice of Proposed Regulation was published in the *State Register* on April 25, 2003, as Document No. 2840. A Notice of Public Hearing was mailed to all concerned parties included on a Bureau of Air Quality regulation development mailing list maintained by the Department. Notice of the proposed regulation was also published on the Department's website. An excerpt of the Notice is submitted as Attachment F.
6. A staff-conducted informational forum was held on May 27, 2003, for the purpose of answering questions, clarifying issues, and accepting formal comments from interested public on the proposed

amendments. No oral or written comments were received during the informational forum regarding any of the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

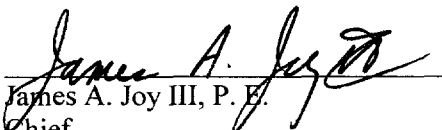
7. Department staff is requesting public hearing and a finding of need and reasonableness of the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.


IV. ANALYSIS:

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to ensure compliance and maintain conformity with Federal requirements and standards. For specific details, see the Statement of Need and Reasonableness submitted as Attachment A.

V. RECOMMENDATION:

Department staff recommend that, based upon the public hearing and attached information, the Board find for the need and reasonableness of the proposed regulation and approve it for publication as final in the *State Register*.


James A. Joy III, P. E.
Chief
Bureau of Air Quality


R. Lewis Shaw, P. E.
Deputy Commissioner
Environmental Quality Control

Attachments:

- A. Statement of Need and Reasonableness
- B. Summary of Proposed Revisions For Final Consideration
- C. Text of Proposed Amendments to *Regulation 61-62* For Final Consideration
- D. *State Register* Notice of Drafting published November 22, 2002
- E. Copy of Applicable Law
- F. *State Register* Notice of Proposed Regulation, published April 25, 2002, Document No. 2840

ATTACHMENT A

Statement of Need and Reasonableness
For Proposed Amendment of
Regulation 61-62, *Air Pollution Control Regulations and Standards*
State Register Document No. 2840
May 29, 2003

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

Purpose of Regulation: These amendments and corrections will maintain conformity with Federal requirements and ensure compliance with Federal standards.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards*, is S.C. Code Section 48-1-10 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutant*, to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to maintain consistency with Federal rules and will not require legislative review.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

EPA has provided the estimated costs and benefits for these standards in the *Federal Register* notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in Federal law through the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

While there is no specific detrimental effect on the environment and public health, the State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.

ATTACHMENT B

Summary of Proposed Revisions For Final Consideration
Regulation 61-62, *Air Pollution Control Regulations and Standards*
State Register Document No. 2840
May 29, 2003

R. 61-62 - Air Pollution Control Regulations and Standards

SECTION CITATION:	EXPLANATION OF CHANGE:
R. 61-62.1, Section II H.1(a) – Permit Requirements	Delete the words “Section I,”
R. 61-62.1, Section IV B. 2. – Source Tests	Clarify language specifying authorization of proposing alternate test methods
R. 61-62.60	Tables in Subparts A, J, SSS, VVV, and AAAA are amended
R. 61-62.63	Tables in Subparts A, T, AA, BB, GG, LL, SS, TT, UU, WW, YY, EEE, JJ, LLL, MMM, RRR, VVV, and GGGG are amended
R. 61-62.63	Tables in Subparts J, XX, QQQ, UUU, HHHH, JJJ, NNNN, SSSS, TTTT, UUUU, XXXX, and QQQQQ are added in alpha-numeric order and incorporated by reference
R. 61-62.70.2 r (2)(xxvii)	Amend definition to include stationary sources regulated as of August 7, 1980
R. 61-62.70.5(a)(1)(ii)	Add deleted text to paragraph (ii)

ATTACHMENT C

Text of Proposed Amendments For Final Consideration
Regulation 61-62, *Air Pollution Control Regulations and Standards*
State Register Document No. 2840
May 29, 2003

Legend: **Highlighted text** = New Text
Strikeout text = Deleted Text

R. 61-62.1, Definitions and General Requirements:

Regulation 61-62.1, Section II. H.1.(a) – Permit Requirements, shall be amended as follows:

SECTION II – PERMIT REQUIREMENTS

H. Synthetic Minor Plant Permits

1. General Provisions

(a) Any stationary source that is a major plant or major modification, as defined by S.C. Regulation 61-62.5, Standard No. 7, ~~Section I~~, may request to use federally enforceable permit conditions to limit the source's potential to emit and become a synthetic minor plant.

R. 61-62.1, Definition and General Requirements:

Regulation 61-62.1, Section IV B.2. – Source Tests, shall be amended as follows:

SECTION IV – SOURCE TESTS

B. Submission and Approval of a Site-Specific Test Plan

2. All test methods included in the site-specific test plan must be either EPA Reference Methods described in 40 CFR Part 51, Appendix M, or 40 CFR Part 60, Appendix A, or 40 CFR Part 61, Appendix B, or 40 CFR Part 63, Appendix A ~~or Department-approved alternative test methods~~. **If an applicable air regulation or permit provides for a choice of test methods, the selected method must be approved by the Department. If an applicable air regulation or permit does not specify use of an EPA standard reference method, the alternative test method to be used must be approved by the Department.**

R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards:

Regulation 61-62.60, Subpart A shall be revised as follows:

Subpart A - "General Provisions"

The provisions of Title 40 CFR Part 60, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
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40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 65	May 22, 2000	[65 FR 32033]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]

Regulation 61-62.60, Subpart J shall be revised as follows:

Subpart J - “Standards of Performance for Petroleum Refineries”

The provisions of Title 40 CFR Part 60, subpart J as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 74651]
	Vol. 62	October 17, 2000	

Regulation 61-62.60, Subpart SSS shall be revised as follows:

Subpart SSS - “Standards of Performance for Magnetic Tape Coating Facilities”

The provisions of Title 40 CFR Part 60, subpart SSS as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart SSS

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 53	October 3, 1988	[53 FR 38914]
Revision	Vol. 53	October 28, 1988	[53 FR 43799]
			[53 FR 47955]
Revision	Vol. 53	December 9, 1988	[53 FR 49822]
Revision	Vol. 64	February 12, 1999	[64 FR 7467]

Regulation 61-62.60, Subpart VVV shall be revised as follows:

Subpart VVV - “Standards of Performance for Polymeric Coating of Supporting Substrates Facilities”

The provisions of Title 40 CFR Part 60, subpart VVV as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Revision	Vol. 61	March 12, 1996	[61 FR 9905]

Regulation 61-62.60, Subpart AAAA shall be revised as follows:

Subpart AAAA - “New Source Performance Standards for New Small Municipal Waste Combustion Units”

The provisions of Title 40 CFR Part 60, subpart AAAA as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart AAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 6, 2000	[65 FR 76378 76350]

R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Regulation 61-62.63, Subpart A shall be revised as follows:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 63, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1994 1995	[60 FR 4963]

Federal Register Citation	Volume	Date	Notice
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	August 2, 2000	[65 FR 37342]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]

Regulation 61-62.63, Subpart J, which was formerly reserved, shall be added in alpha-numeric order as follows:

Subpart J - "National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production"

The provisions of Title 40 CFR Part 63, subpart J, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 10, 2002	[67 FR 45866]

Regulation 61-62.63, Subpart T shall be revised as follows:

Subpart T - "National Emission Standards for Halogenated Solvent Cleaning"

The provisions of Title 40 CFR Part 63, subpart T, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 2, 1994	[59 FR 61805]
Revision	Vol. 59	December 30, 1994	[59 FR 67750]

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 60	June 5, 1995	[60 FR 29485]
Revision	Vol. 63	May 5, 1998	[63 FR 24751]
Revision	Vol. 63	December 11, 1998	[63 FR 68400]
Revision	Vol. 64	July 13, 1999	[64 FR 37687]
Revision	Vol. 64	October 18, 1999	[64 FR 56173]
Revision	Vol. 64	December 3, 1999	[64 FR 67793]
Revision	Vol. 65	September 8, 2000	[65 FR 54419]

Regulation 61-62.63, Subpart AA shall be revised as follows:

Subpart AA - “National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants”

The provisions of Title 40 CFR Part 63, subpart AA, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31376]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 12, 2002	[67 FR 40578]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]

Regulation 61-62.63, Subpart BB shall be revised as follows:

Subpart BB - “National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizer Production Plants”

The provisions of Title 40 CFR Part 63, subpart BB, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31382]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]

Regulation 61-62.63, Subpart GG shall be revised as follows:

Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

The provisions of Title 40 CFR Part 63, subpart GG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GG

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1996 1998	[63 FR 15016]
Revision	Vol. 63	September 1, 1998	[63 FR 46532]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]

Regulation 61-62.63, Subpart LL shall be revised as follows:

Subpart LL - “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”

The provisions of Title 40 CFR Part 63, subpart LL, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart LL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997 October 7, 1997	[62 FR 52407]

Regulation 61-62.63, Subpart SS shall be revised as follows:

Subpart SS - “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process”

The provisions of Title 40 CFR Part 63, subpart SS, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart SS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34866]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart TT shall be revised as follows:

Subpart TT - “National Emission Standards for Equipment Leaks - Control Level 1”

The provisions of Title 40 CFR Part 63, subpart TT, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart TT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34886]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart UU shall be revised as follows:

Subpart UU - “National Emission Standards for Equipment Leaks - Control Level 2 Standards”

The provisions of Title 40 CFR Part 63, subpart UU, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34899]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart WW shall be revised as follows:

Subpart WW - “National Emission Standards for Storage Vessels (Tanks) - Control Level 2”

The provisions of Title 40 CFR Part 63, subpart WW, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart WW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34918]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart XX shall be added in alpha-numeric order as follows:

Subpart XX - “National Exchange Systems and Waste Operations”

The provisions of Title 40 CFR Part 63, subpart XX, as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart YY shall be revised as follows:

Subpart YY - “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”

The provisions of Title 40 CFR Part 63, subpart YY, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
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Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34921]
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]

Regulation 61-62.63, Subpart EEE shall be revised as follows:

Subpart EEE - “National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors”

The provisions of Title 40 CFR Part 63, subpart EEE, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September 30, 1999	[64 FR 53027]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 12, 2002	[67 FR 77687]

Regulation 61-62.63, Subpart JJJ shall be revised as follows:

Subpart JJJ - “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

The provisions of Title 40 CFR Part 63, subpart JJJ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48229]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1838]
Revision	Vol. 62	June 6, 1997	[62 FR 30995]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]

Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	February 27, 1998	[63 FR 9944]
Revision	Vol. 63	March 31, 1998	[63 FR 15315]
Revision	Vol. 64	March 9, 1999	[64 FR 11547]
Revision	Vol. 64	June 8, 1999	[64 FR 30409]
			[64 FR 35028]
Revision	Vol. 65	June 19, 2000	[65 FR 38094]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]
Revision	Vol. 66	February 23, 2001	[66 FR 11233]
Revision	Vol. 66	February 26, 2001	[66 FR 11543]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]
Revision	Vol. 66	August 6, 2001	[66 FR 40903]

Regulation 61-62.63, Subpart LLL shall be revised as follows:

Subpart LLL - “National Emission Standards for the Portland Cement Manufacturing Industry”

The provisions of Title 40 CFR Part 63, subpart LLL, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Revision	Vol. 64	September 30, 1999	[64 FR 53070]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]

Regulation 61-62.63, Subpart MMM shall be revised as follows:

Subpart MMM - “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”

The provisions of Title 40 CFR Part 63, subpart MMM, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 23, 1999	[64 FR 33589]
Revision	Vol. 66	November 26 21, 2001	[66 FR 58393]
Revision	Vol. 66	November 26, 2001	[66 FR 58396]
Revision	Vol. 67	March 22, 2002	[67 FR 13508, 13514]
Revision	Vol. 67	May 1, 2002	[67 FR 21579]
Revision	Vol. 67	June 3, 2002	[67 FR 38200]
Revision	Vol. 67	September 20, 2002	[67 FR 59336]

Regulation 61-62.63, Subpart QQQ shall be added in alpha-numeric order as follows.

Subpart QQQ - "National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting"

The provisions of Title 40 CFR Part 63, subpart QQQ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart QQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 12, 2002	[67 FR 40478]

Regulation 61-62.63, Subpart RRR shall be revised as follows:

Subpart RRR - "National Emission Standards for Hazardous Air Pollutant Emissions for Secondary Aluminum Production"

The provisions of Title 40 CFR Part 63, subpart RRR, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]

Regulation 61-62.63, Subpart UUU shall be added in alpha-numeric order as follows:

Subpart UUU - "National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units"

The provisions of Title 40 CFR Part 63, subpart UUU, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]

Regulation 61-62.63, Subpart VVV shall be revised as follows:

Subpart VVV - "National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works"

The provisions of Title 40 CFR Part 63, subpart VVV, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	October 26, 1999	[64 FR 57572]
Revision	Vol. 66	March 23, 2001	[66 FR 16140]
Revision	Vol. 67	October 10, 2002	[67 FR 64742]

Regulation 61-62.63, Subpart GGGG shall be revised as follows.

Subpart GGGG - “National Emission Standards For Hazardous Air Pollutants: Solvent Extraction For Vegetable Oil Production”

The provisions of Title 40 CFR Part 63, subpart GGGG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	April 12, 2001	[66 FR 19006]
Revision	Vol. 67	April 5, 2002	[67 FR 16317]

Regulation 61-62.63, Subpart HHHH shall be added in alpha-numeric order as follows:

Subpart HHHH - “National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production”

The provisions of Title 40 CFR Part 63, subpart HHHH, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17824]

Regulation 61-62.63, Subpart JJJJ shall be added in alpha-numeric order as follows:

Subpart JJJJ - “National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating”

The provisions of Title 40 CFR Part 63, subpart JJJJ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	December 4, 2002	[67 FR 72330]

Regulation 61-62.63, Subpart NNNN shall be added in alpha-numeric order as follows:

Subpart NNNN - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances”

The provisions of Title 40 CFR Part 63, subpart NNNN, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart NNNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 23, 2002	[67 FR 48254]

Regulation 61-62.63, Subpart SSSS shall be added in alpha-numeric order as follows:

Subpart SSSS - "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil"

The provisions of Title 40 CFR Part 63, subpart SSSS, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart SSSS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 10, 2002	[67 FR 39794]

Regulation 61-62.63, Subpart TTTT shall be added in alpha-numeric order as follows:

Subpart TTTT - "National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations"

The provisions of Title 40 CFR Part 63, subpart TTTT, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart TTTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	February 27, 2002	[67 FR 9156]

Regulation 61-62.63, Subpart UUUU shall be added in alpha-numeric order as follows:

Subpart UUUU - "National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing"

The provisions of Title 40 CFR Part 63, subpart UUUU, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 11, 2002	[67 FR 40044]

Regulation 61-62.63, Subpart XXXX shall be added in alpha-numeric order as follows:

Subpart XXXX - "National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing"

The provisions of Title 40 CFR Part 63, subpart XXXX, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XXXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 9, 2002	[67 FR 45588]

Regulation 61-62.63, Subpart QQQQQ shall be added in alpha-numeric order as follows:

Subpart QQQQQ – National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities

The provisions of Title 40 CFR Part 63, subpart QQQQQ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart QQQQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	October 18, 2002	[67 FR 64498]

R. 61-62.70, Title V Operating Permit Program:

Regulation 61-62.70.2 r.(2)(xxvii), – Definitions, *shall be amended as follows:*

—(xxvii) All other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category;

(xxvii) Any other stationary source category, which as of August 7, 1980, is being regulated under section 111 or 112 of the Act;

R. 61-62.70.5 Permit applications

Regulation 61-62.70.5 a.(1)(ii), – Definitions, *shall be amended as follows:*

(a) Duty to apply. For each Part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this Section.

(1) Timely application.

(i) A timely application for a source applying for a Part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the Department may establish.

(ii) Part 70 sources required to meet the requirements under Section 112(g) of the Act, or to have a permit under the preconstruction review program approved into the South Carolina Implementation Plan under Part C or D of Title I of the Act, shall file a complete application to obtain the Part 70 permit or permit revision within 12 months after commencing operation or on or before permitting authority would prohibit such construction or change in operation, mencing operation.

ATTACHMENT D
Notice of Drafting
Published in *The South Carolina State Register*
November 22, 2002

Notice of Drafting:

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*. Interested persons are invited to present their views in writing to Thomas J. Flynn, III, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by December 23, 2002, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. The Department proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; 61-62.63, *National Emission Standards for Hazardous Air Pollutants*; and 61-62.70, *Title V Operating Permit Program*, to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. The Department may also propose typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments in this Notice will not be more stringent than the current Federal requirements. The proposed amendments will not require legislative review.

ATTACHMENT E
Copy of Applicable Law
May 29, 2003

Title 48 - Environmental Protection and Conservation
Chapter 1 - Pollution Control Act

Section 48-1-50. Powers of Department.

The Department may:

(1) Hold public hearings, compel attendance of witnesses, make findings of fact and determinations and assess such penalties as are herein prescribed;

(2) Hold hearings upon complaints or upon petitions in accordance with Section 48-1-140 or as otherwise provided in this chapter;

(3) Make, revoke or modify orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the State, or the discharge of air contaminants into the ambient air so as to create an undesirable level, resulting in pollution in excess of the applicable standards established. Such orders shall specify the conditions and time within which such discontinuance must be accomplished;

(4) Institute or cause to be instituted, in a court of competent jurisdiction, legal proceedings, including an injunction, to compel compliance with the provisions of this chapter or the determinations, permits and permit conditions and orders of the Department. An injunction granted by any court shall be issued without bond;

(5) Issue, deny, revoke, suspend or modify permits, under such conditions as it may prescribe for the discharge of sewage, industrial waste or other waste or air contaminants or for the installation or operation of disposal systems or sources or parts thereof; provided, however, that no permit shall be revoked without first providing an opportunity for a hearing;

(6) Conduct studies, investigations and research with respect to pollution abatement, control or prevention. Such studies shall include but not be limited to, air control, sources, disposal systems and treatment of sewage, industrial waste or other wastes, by all scientific methods and, if necessary, of the use of mobile laboratories;

(7) Settle or compromise any action or cause of action for the recovery of a penalty or damages under this chapter as it may deem advantageous to the State;

(8) Cooperate with the governments of the United States or other states or State agencies or organizations, official or unofficial, in respect to pollution control matters or for the formulation of interstate pollution control compacts or agreements;

(9) Prepare and develop a general comprehensive program for the abatement, control and prevention of air and water pollution;

(10) Require to be submitted to it and consider for approval plans for disposal systems or sources or any parts thereof and inspect the construction thereof for compliance with the approved plans;

(11) Administer penalties as otherwise provided herein for violations of this chapter, including any order, permit, regulation or standards;

(12) Accept, receive and administer grants or other funds or gifts for the purpose of carrying out any of the purposes of this chapter; accept, receive and receipt for Federal money given by the Federal government under any Federal law to the State of South Carolina for air or water control activities, surveys or programs;

(13) Encourage voluntary cooperation by persons, or affected groups in restoration and preservation of a reasonable degree of purity of air and water;

(14) Collect and disseminate information on air or water control;

(15) Approve projects for which applications for loans or grants under the Federal Water Pollution

Control Act or the Federal Air Quality Act are made by any municipality (including any city, town, district, or other public body created by or pursuant to the laws of this State and having jurisdiction over disposal of sewage, industrial wastes or other wastes) or agency of this State or by an interstate agency;

(16) Participate through its authorized representatives in proceedings under the Federal Water Pollution Control Act or the Federal Air Quality Act to recommend measures for abatement of water pollution originating in this State;

(17) Take all action necessary or appropriate to secure to this State the benefits of the Federal Water Pollution Control Act or the Federal Air Quality Act and any and all other Federal and State acts concerning air and water pollution control;

(18) Consent on behalf of the State to request by the Federal Security Administrator to the Attorney General of the United States for the bringing of suit for abatement of such pollution;

(19) Consent to the joinder as a defendant to such suit of any person who is alleged to be discharging matter contributing to the pollution, abatement of which is sought in such suit;

(20) Conduct investigations of conditions in the air or waters of the State to determine whether or not standards are being contravened and the origin of materials which are causing the polluted condition;

(21) Establish the cause, extent and origin of damages from waste including damages to the fish, waterfowl, and other aquatic animals and public property which result from the discharge of wastes to the waters of the State;

(22) Require the owner or operator of any source or disposal system to establish and maintain such operational records; make reports; install, use, and maintain monitoring equipment or methods; sample and analyze emissions or discharges in accordance with prescribed methods, at locations, intervals, and procedures as the Department shall prescribe; and provide such other information as the Department reasonably may require;

(23) Adopt emission and effluent control regulations, standards and limitations that are applicable to the entire State, that are applicable only within specified areas or zones of the State, or that are applicable only when a specified class of pollutant is present;

(24) Enter at all times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to pollution or the possible pollution of the environment of the State. Its authorized agents may examine and copy any records or memoranda pertaining to the operation of a disposal system or source that may be necessary to determine that the operation thereof is in compliance with the performance as specified in the application for a permit to construct; provided, however, that if such entry or inspection is denied or not consented to, and no emergency exists, the Department is empowered to and shall obtain from the magistrate from the jurisdiction in which such property, premise or place is located, a warrant to enter and inspect any such property, premise or place prior to entry and inspection. The magistrate of such jurisdiction is empowered to issue such warrants upon a proper showing of the needs for such entry and inspection. The results of any such inspection and investigation conducted by the Department shall be reduced to writing and a copy shall be furnished to the owner or operator of the source or disposal system; and

(25) Issue orders prohibiting any political entity having the authority to issue building permits from issuing such permits when the political entity has been ordered to correct a condition which has caused or is causing pollution. Provided, that no such order shall be issued until the State is capable of participating in Federal, State and local cost-sharing arrangements for municipal waste treatment facilities as set forth in the Clean Water Restoration Act of 1966.

ATTACHMENT F
State Register Notice of Proposed Regulation
Published on April 25, 2003

Document No. 2840
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan

Preamble:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutant*; to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to maintain consistency with Federal rules and will not require legislative review.

A Notice of Drafting for these proposed changes was published in the *State Register* on November 22, 2002. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions:

The Summary of Proposed Revisions is submitted in Attachment B and is omitted here to conserve space in the Board Item.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on May 27, 2003, at 10:00 a.m. in room 2280 at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to receive comments from interested persons on the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

Interested persons are also provided an opportunity to submit written comments to Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on May 27, 2003. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-3251.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to comment on the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on June 12, 2003. The public hearing is to be held in room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments to Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Regulatory Development Section, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-3251. To be considered, comments must be received no later than 5:00 p.m. on May 27, 2003. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on June 12, 2003, as noticed above. Comments received shall be submitted to the Board in a Summary of Public comments and Department Responses.

Statement of Need and Reasonableness:

The text of the Statement of Need and Reasonableness is submitted in Attachment A and is omitted here to conserve space in the Board Item.

Text of Proposed Amendments to Regulation 61-62 for Public Comment:

The text of the Proposed Amendment is submitted in Attachment C and is omitted here to conserve space in the Board Item.

ATTACHMENT 2

**Minutes of the Board Meeting
June 12, 2003**

**Minutes of
S.C. Board of Health and Environmental Control
Meeting**

June 12, 2003

The S.C. Board of Health and Environmental Control met on Thursday, June 12, 2003, at 10:00 a.m. in the S.C. Board of Health and Environmental Control BoardRoom, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Elizabeth M. Hagood, Chairman
Member-at-large

Mark B. Kent, Vice-Chairman
Greenville

Howard L. Brilliant, Secretary
Charleston

Carl L. Brazell
Columbia

L. Michael Blackmon
Lancaster

Lawrence R. Chewning, Jr., D.M.D.
Florence

Also in attendance were Commissioner C. Earl Hunter and guests. (Attachment 0-2)

Mr. Kent gave the invocation.

Ms. Hagood called the meeting to order and welcomed everyone.

Chairman Hagood stated, notice of this meeting has been provided to all persons, organizations and news media, which have requested notification as required by section 30-4-80(e) of the South Carolina Code of Laws.

Commissioner Hunter presented Mr. Brad Wyche and Dr. Larry Chewning with resolutions from the Board. Mr. Kent also presented Mr. Wyche with a plaque recognizing him for his service as Chairman of the Board.

Item 1: Consideration of April 10, 2003, meeting minutes - For Approval (Attachment 1-1)

Mr. Kent moved, seconded by Mr. Blackmon, to approve the minutes of the April 10, 2003, meeting. Approved

Item 2: Monthly Award for Excellence recipients for May and June 2003 - For Information (Attachment 2-1)

The following employees were recognized:

May 2003

Commissioner's Office - Janet Dowdy;
Environmental Quality Control - Sharon Burnett;
Health Regulation - Victor Grimes;
Health Services - Audrey Oakes;
Appalachia I Health District - Oconee County Home Health;
Catawba Health District - Mary Lightner;
Edisto Health District - Renee Nelson;
Low Country Health District - Betsy Cares;
Lower Savannah Health District - Jackie Sizemore;
Palmetto Health District - Pam Pitts;
Pee Dee Health District - Betty Jo Turner;
Trident Health District - Virginia Darling Stone;
Upper Savannah Health District - Dale Bagwell;
Wateree Health District - Hattie Benjamin.

June 2003

Commissioner's Office - Special Certification Divison, Vital Records/Rena' Geiger, Tracey Bynoe, Anita Farmer, Brenda Muhammad, Pepi Griffin, Angela Nelson, Lana Thomas, Betty Moore;
Environmental Quality Control - Wade Cantrell;
Health Regulation - Rosiland Davis;
Health Services - Roberta Bartholdi;
Appalachia I Health District - Healthy Lifestyles Task Force/Mary Wilson, Mitzi Melton;
Appalachia II Health District - Doreen Reeves;
Catawba Health District - Chester County Health Department Staff;
Edisto Health District - Patricia Yunis;
Low Country Health District - Colleton County Home Health Team/Louise Edwards, Sherry Baker, Karen Craven, Shirley Pontoon, Erika Bostic, Betsy Cares, Patti Hayden, Patsy Avant;
Lower Savannah Health District - Veleta Rudnick;
Palmetto Health District - Kathy Walker;
Pee Dee Health District - Ronnie Herring;
Trident Health District - Heather Bausell;
Upper Savannah Health District - Kim Crawford, Kim Dean;

Waccamaw Health District - Debbie Murrell;
Wateree Health District - Ralph Bleasdale.

Chairman Hagood congratulated everyone on behalf of the Board.

Item 3: Request for Approval of 2003 South Carolina Health Plan - For Approval
(Attachment 3-1)

Mr. Leon Frishman, Deputy Commissioner for Health Regulations, introduced, Gerald Wilson, MD, Chairman, State Health Plan Committee. Dr. Wilson reviewed all the changes proposed to the State Health Plan.

Mr. Kent moved, seconded by Dr. Chewning, to approve the Plan for use in the Certificate of Need Program and that all applications received after June 12, 2003, be reviewed under this Plan. Approved

Item 4: PUBLIC HEARING AND REQUEST FOR FINAL APPROVAL - Proposed Amendment of R.61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan (SIP), State Register Document No. 2840, Exempt from Legislative Review (Attachment 4-1)

Ms. Heather Preston, Bureau of Air Quality, presented this item to the Board. The Department proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards, to make corrections and clarifications and to incorporate new Federal requirements into the existing regulations. The proposed amendments are necessary to maintain consistency with Federal rules and will not require legislative review.

A public hearing was conducted. (Attachment 4-2)

Mr. Kent moved, seconded by Dr. Chewning, to find for the need and reasonableness of the proposed regulation and approve it for publication as final in the State Register. Approved

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 4-3)

Item 5: PUBLIC HEARING AND REQUEST FOR FINAL APPROVAL - Proposed Amendment of R.61-79, Hazardous Waste Management, Federally Mandated Regulations, State Register Document No. 2834, Exempt from Legislative Review (Attachment 5-1)

Ms. Shellie Sherritt, Bureau of Land and Waste Management, presented this item to the Board. The federal equivalent of R.61-79 is amended periodically. The State is required to adopt certain federal amendments to maintain authorization by the United States Environmental Protection Agency for the State Hazardous Waste Management Program.

A public hearing was conducted. (Attachment 5-2)

Mr. Kent moved, seconded by Mr. Blackmon, to find for the need and reasonableness of the proposed regulation and approve it for publication as final in the State Register. Approved

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 5-3)

Item 6: CONSENT ORDER OF SETTLEMENT AND DISMISSAL - Gary L. Berger vs. South Carolina Department of Health and Environmental Control and Wal-Mart Store #3222, Docket No. 02-ALJ-07-0467-CC (Attachment 6-1)

Mr. Carl Roberts, General Counsel, introduced the case. Mr. Sam Finklea presented the Order of Settlement and Dismissal signed by all parties. Mr. Kristopher Pickler, Attorney for Wal-Mart, was present but didn't speak.

Mr. Kent moved, seconded by Dr. Chewning, to adopt the Consent Order of Settlement and Dismissal ordering the Department to issue the Permits, as modified. Approved

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 6-2)

Item 7: CONTESTED CASE - South Carolina Department of Health and Environmental control vs. Nutt, Docket No. 00-ALJ-07-0239-CC (Attachment 7-1)

Mr. Roberts introduced the case. Mr. Finklea represented the Department.

Mr. Kent moved, seconded by Dr. Chewning, to reverse so much of the Final Order and Decision as is set forth in the last paragraph of Section 5 of the Final Order and affirm the remainder in result only. Approved

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 7-3)

Item 8: CONTESTED CASE - Paris Mountain Utilities, Inc., Joe W. Hiller and David N. Hiller vs. South Carolina Department of Health and Environmental Control, Docket No. 01-ALJ-07-0462-CC (Attachment 8-1)

Ms. Jackie Dickman, Deputy General Counsel, introduced the case. Mr. Mason Summers represented the Department. Mr. Randall Hiller represented Paris Mountain Utilities, Joe W. Hiller and David N. Hiller.

After the Board heard oral arguments from both parties, Mr. Kent moved, seconded by Dr. Brilliant, for an Executive Session for the purpose of receiving legal advice. Approved

While in Executive Session, the Board took no votes or formal action.

Mr. Kent made a motion, seconded by Dr. Chewning, that the Board hold that the Notice of Appeal filed by Paris Mountain Utilities and the Hillers does not state specific grounds for appeal as required by Reg.61-72 § 801, and their appeal is therefore inadequate. Approved.

Mr. Kent moved, seconded by Dr. Chewning, to affirm the decision of the Administrative Law Judge, with the exception of reinstating both the \$1,129,786.01 civil penalty and the corrective actions imposed by the Department in its administrative order. Approved

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 9-2)

Item 9: Proposed Amendments of R.61-58, State Primary Drinking Water Regulations, Legislative Review is not required - For Initial Approval (Attachment 9-1)

Ms. Valerie Betterton, Bureau of Water, presented this item to the Board. The Department is proposing to amend R.61-58 as required by Section 1413 of SDWA. This will allow the Department to retain primary enforcement responsibility for the public drinking water supervision program.

Mr. Kent moved, seconded by Mr. Brazell, to grant initial approval to publish a Notice of Proposed Regulation in the State Register to provide an opportunity for public comment and to allow staff to proceed with a public hearing before the Board. Approved

Item 10: Administrative and Consent Orders issued by Office of Environmental Quality Control (March 1, 2003 through April 30, 2003) - For Information (Attachment 10-1)

Mr. Bob King, Assistant Deputy Commissioner for Environmental Quality Control, stated sixty-one (61) orders had been issued with penalties of \$288,967.

After discussion, *the Board accepted this item as information.*

Item 11: Administrative Orders, Consent Orders, and Sanction Letters issued by Health Regulation (HR)(March 16, 2003 through May 15, 2003) - For Information (Attachment 11-1)

Mr. Jerry Paul, Bureau of Health Facilities Regulation, stated two (2) letters had been issued with penalties of \$2,500.

The Board accepted this item as information.

ITEM 12: Orders issued by Office of Ocean and Coastal Resource Management (March 16, 2003 through May 15, 2003) - For Information (Attachment 12-1)

Mr. Chris Brooks, Deputy Commissioner for Ocean and Coastal Resource Management, stated three (3) orders had been issued with penalties of \$850.

The Board accepted this item as information.

ITEM 13: Agency Affairs

a. Lake City Health Center - Financial Assistance from the FY 2003 Commissioner's State Discretionary Fund - For Approval (Attachment 13a-1)

Commissioner Hunter stated the Department was asking for approval to commit \$6,000 in FY2003 funds to Lake City Health Center to provide financial assistance to purchase a phone system and wiring for the new facility being built.

Mr. Kent moved, seconded by Chewning, to approve the expenditure of \$6,000 to provide the financial assistance requested. Approved

b. Oral Cancer Advisory Team - For Information

Ms. Virginia Andrews, Division of Bio-Statistics, presented the Board with an overview of the Oral Cancer Advisory Team. (Attachment 13b-1)

c. Oral Health Initiatives - For Information

Dr. Raymond Lala, Division of State Oral Health, gave a brief presentation of Department Oral Health Initiatives.

Bureau of Water representatives, David Baize and Rheta Geddings, gave the Board an update on drought issues. (Attachment 13-1) Commissioner Hunter recognized staff who received Palmetto Gold Awards for excellence in nursing. (Attachment 13-2)

ITEM: 14: Legal Update - For Information

Mr. Roberts updated the Board on legal issues.

ITEM: 15: Legislative Briefing - For Information

Ms. Wanda Crotwell, Assistant to the Commissioner for External Affairs, gave a summary of activities involving the Department during the 2003 Legislative Session. (Attachment 15-1)

Dr. Chewning moved, seconded by Mr. Kent, to adjourn. Approved.

All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,

Howard L. Brilliant, MD
Secretary of the Board

Minutes approved this 12th day of June 2003.

ATTEST:

Elizabeth M. Hagood
Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign-in Sheet
- 1-1 April 10, 2003, Board Meeting minutes
- 2-1 Monthly Award for Excellence Recipients for May and June 2003
- 3-1 2003 South Carolina Health Plan
- 4-1 **Public Hearing** - Proposed Amendment of R.61-62, Air Pollution Control Regulations
- 4-2 Sign-in sheet
- 4-3 Verbatim transcript
- 5-1 **Public Hearing** - Proposed Amendment of R.61-79, Hazardous Waste Management
- 5-2 Sign-in sheet
- 5-3 Verbatim transcript
- 6-1 **Consent Order** of Settlement and Dismissal - Gary L. Berger vs. SCDHEC and Wal-Mart
- 6-2 Verbatim transcript
- 7-1 **Contested Case** - SCDHEC vs. Nutt
- 7-2 Verbatim transcript
- 8-1 **Contested Case** - Paris Mountain Utilities, et al. vs. SCDHEC
- 8-2 Verbatim transcript
- 9-1 Proposed Amendment of R.61-58, State Primary Drinking Water Regulations
- 10-1 Administrative and Consent Orders issued by EQC
- 11-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 12-1 Orders issued by OCRM
- 13a-1 Financial Assistance from 2003 Commissioner's State Discretionary Fund for Lake City Health Center
- 13b-1 Oral Cancer Advisory Team
- 13-1 Draught Issue Update
- 13-2 Palmetto Gold Recipients
- 15-1 Legislative Briefing

ATTACHMENT 3

Document Number 2840
South Carolina State Register
June 27, 2003



Document No. 2840

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan

Synopsis:

Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) has amended Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP), to make corrections and clarifications and to incorporate new Federal requirements into the existing regulations.

Among the revisions are amendments to R. 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and R. 61-62.63, *National Emission Standards for Hazardous Air Pollutants*, to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department revised R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department amended R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department made typographical corrections and clarifications to R.61-62 as necessary.

The amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* are necessary to maintain consistency with Federal rules and does not require legislative review.

A Notice of Drafting for these proposed changes was published in the *State Register* on November 22, 2002. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Revisions

SECTION CITATION:	EXPLANATION OF CHANGE:
R R. 61-62.1, Section II H.1(a) – Permit Requirements	Delete the words “Section I,”
R. 61-62.1, Section IV B. 2. – Source Tests	Clarify language specifying authorization of proposing alternate test methods
R. 61-62.60	Tables in Subparts A, J, SSS, VVV, and AAAA are amended
R. 61-62.63	Tables in Subparts A, T, AA, BB, GG, LL, SS, TT, UU, WW, YY, EEE, JJJ, LLL, MMM, RRR, VVV, and GGGG are amended
R. 61-62.63	Tables in Subparts J, XX, QQQ, UUU, HHHH, JJJJ, NNNN, SSSS, TTTT, UUUU, XXXX, and QQQQQ

are added in alpha-numeric order and incorporated by reference

R. 61-62.70.2 r (2)(xxvii)

Amend definition to include stationary sources regulated as of August 7, 1980

R. 61-62.70.5(a)(1)(ii)

Add deleted text to paragraph (ii)

Instructions:

Amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, pursuant to each individual instruction provided below with the text of the amendments.

Text of Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards:

R. 61-62.1, Definitions and General Requirements:

Revise Section II. H.1.(a) – Permit Requirements to read:

SECTION II – PERMIT REQUIREMENTS

H. Synthetic Minor Plant Permits

1. General Provisions

(a) Any stationary source that is a major plant or major modification, as defined by S.C. Regulation 61-62.5, Standard No. 7 may request to use federally enforceable permit conditions to limit the source's potential to emit and become a synthetic minor plant.

R. 61-62.1, Definition and General Requirements:

Revise Section IV B.2. – Source Tests to read:

SECTION IV – SOURCE TESTS

B. Submission and Approval of a Site-Specific Test Plan

2. All test methods included in the site-specific test plan must be either EPA Reference Methods described in 40 CFR Part 51, Appendix M, or 40 CFR Part 60, Appendix A, or 40 CFR Part 61, Appendix B, or 40 CFR Part 63, Appendix A. If an applicable air regulation or permit provides for a choice of test methods, the selected method must be approved by the Department. If an applicable air regulation or permit does not specify use of an EPA standard reference method, the alternative test method to be used must be approved by the Department.

R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards:

Revise Regulation 61-62.60, Subpart A to read:

Subpart A - "General Provisions"

The provisions of Title 40 CFR Part 60, subpart A, as originally published in the *Federal Register* and

as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 66	August 27, 2001	[66 FR 44978]

Revise Regulation 61-62.60, Subpart J to read:

Subpart J - “Standards of Performance for Petroleum Refineries”

The provisions of Title 40 CFR Part 60, subpart J as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart SSS to read:

Subpart SSS - “Standards of Performance for Magnetic Tape Coating Facilities”

The provisions of Title 40 CFR Part 60, subpart SSS as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart SSS

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 53	October 3, 1988	[53 FR 38914]
Revision	Vol. 53	October 28, 1988	[53 FR 43799]
Revision	Vol. 53	November 29, 1988	[53 FR 47955]
Revision	Vol. 53	December 9, 1988	[53 FR 49822]
Revision	Vol. 64	February 12, 1999	[64 FR 7467]

Revise Regulation 61-62.60, Subpart VVV to read:

Subpart VVV - “Standards of Performance for Polymeric Coating of Supporting Substrates Facilities”

The provisions of Title 40 CFR Part 60, subpart VVV as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 54	September 11, 1989	[54 FR 37551]
Revision	Vol. 61	March 12, 1996	[61 FR 9905]

Revise Regulation 61-62.60, Subpart AAAA to read:

Subpart AAAA - “New Source Performance Standards for New Small Municipal Waste Combustion Units”

The provisions of Title 40 CFR Part 60, subpart AAAA as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart AAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 6, 2000	[65 FR 76350]

R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Revise Regulation 61-62.63, Subpart A to read:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 63, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]

Add Regulation 61-62.63, Subpart J to read:

Subpart J - “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production”

The provisions of Title 40 CFR Part 63, subpart J, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 10, 2002	[67 FR 45866]

Revise Regulation 61-62.63, Subpart T to read:

Subpart T - “National Emission Standards for Halogenated Solvent Cleaning”

The provisions of Title 40 CFR Part 63, subpart T, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 2, 1994	[59 FR 61805]
Revision	Vol. 59	December 30, 1994	[59 FR 67750]
Revision	Vol. 60	June 5, 1995	[60 FR 29485]

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	May 5, 1998	[63 FR 24751]
Revision	Vol. 63	December 11, 1998	[63 FR 68400]
Revision	Vol. 64	July 13, 1999	[64 FR 37687]
Revision	Vol. 64	October 18, 1999	[64 FR 56173]
Revision	Vol. 64	December 3, 1999	[64 FR 67793]
Revision	Vol. 65	September 8, 2000	[65 FR 54419]

Revise Regulation 61-62.63, Subpart AA to read:

Subpart AA - “National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants”

The provisions of Title 40 CFR Part 63, subpart AA, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart AA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31376]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 12, 2002	[67 FR 40578]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]

Revise Regulation 61-62.63, Subpart BB to read:

Subpart BB - “National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizer Production Plants”

The provisions of Title 40 CFR Part 63, subpart BB, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31382]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]

Revise Regulation 61-62.63, Subpart GG to read:

Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

The provisions of Title 40 CFR Part 63, subpart GG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GG			
Federal Register Citation	Volume	Date	Notice

40 CFR Part 63 subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15016]
Revision	Vol. 63	September 1, 1998	[63 FR 46532]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]

Add Regulation 61-62.63, Subpart LL to read:

Subpart LL - “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”

The provisions of Title 40 CFR Part 63, subpart LL, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart LL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997	[62 FR 52407]

Revise Regulation 61-62.63, Subpart SS to read:

Subpart SS - “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process”

The provisions of Title 40 CFR Part 63, subpart SS, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart SS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34866]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Revise Regulation 61-62.63, Subpart TT to read:

Subpart TT - “National Emission Standards for Equipment Leaks - Control Level 1”

The provisions of Title 40 CFR Part 63, subpart TT, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart TT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34886]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Revise Regulation 61-62.63, Subpart UU to read:

Subpart UU - “National Emission Standards for Equipment Leaks - Control Level 2 Standards”

The provisions of Title 40 CFR Part 63, subpart UU, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34899]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Revise Regulation 61-62.63, Subpart WW to read:

Subpart WW - “National Emission Standards for Storage Vessels (Tanks) - Control Level 2”

The provisions of Title 40 CFR Part 63, subpart WW, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart WW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34918]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Add Regulation 61-62.63, Subpart XX to read:

Subpart XX - “National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations”

The provisions of Title 40 CFR Part 63, subpart XX, as originally published in the *Federal* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 12, 2002	[67 FR 46258]

Revise Regulation 61-62.63, Subpart YY to read:

Subpart YY - “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”

The provisions of Title 40 CFR Part 63, subpart YY, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart YY

Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34921]
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]

Revise Regulation 61-62.63, Subpart EEE to read:

Subpart EEE - “National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors”

The provisions of Title 40 CFR Part 63, subpart EEE, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September, 30, 1999	[64 FR 53027]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 19, 2002	[67 FR 77687]

Revise Regulation 61-62.63, Subpart JJJ to read:

Subpart JJJ - “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

The provisions of Title 40 CFR Part 63, subpart JJJ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48229]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1838]
Revision	Vol. 62	June 6, 1997	[62 FR 30995]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]
Revision	Vol. 63	February 27, 1998	[63 FR 9944]

40 CFR Part 63 subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	March 31, 1998	[63 FR 15315]
Revision	Vol. 64	March 9, 1999	[64 FR 11547]
Revision	Vol. 64	June 8, 1999	[64 FR 30409]
Revision	Vol. 64	June 30, 1999	[64 FR 35028]
Revision	Vol. 65	June 19, 2000	[65 FR 38094]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]
Revision	Vol. 66	February 23, 2001	[66 FR 11233]
Revision	Vol. 66	February 26, 2001	[66 FR 11543]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]
Revision	Vol. 66	August 6, 2001	[66 FR 40903]

Revise Regulation 61-62.63, Subpart LLL to read:

Subpart LLL - “National Emission Standards for the Portland Cement Manufacturing Industry”

The provisions of Title 40 CFR Part 63, subpart LLL, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31925]
Revision	Vol. 64	September 30, 1999	[64 FR 53070]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]

Revise Regulation 61-62.63, Subpart MMM to read:

Subpart MMM - “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”

The provisions of Title 40 CFR Part 63, subpart MMM, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart MMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 23, 1999	[64 FR 33589]
Revision	Vol. 66	November 21, 2001	[66 FR 58393]
Revision	Vol. 67	March 22, 2002	[67 FR 13508, 13514]
Revision	Vol. 67	May 1, 2002	[67 FR 21579]
Revision	Vol. 67	June 3, 2002	[67 FR 38200]
Revision	Vol. 67	September 20, 2002	[67 FR 59336]

Add Regulation 61-62.63, Subpart QQQ to read:

Subpart QQQ - “National Emission Standards for Hazardous Air Pollutants for Primary Copper

Smelting”

The provisions of Title 40 CFR Part 63, subpart QQQ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart QQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 12, 2002	[67 FR 40478]

Revise Regulation 61-62.63, Subpart RRR to read:

Subpart RRR - “National Emission Standards for Hazardous Air Pollutant Emissions for Secondary Aluminum Production”

The provisions of Title 40 CFR Part 63, subpart RRR, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]

Add Regulation 61-62.63, Subpart UUU to read:

Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units”

The provisions of Title 40 CFR Part 63, subpart UUU, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]

Revise Regulation 61-62.63, Subpart VVV to read:

Subpart VVV - “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”

The provisions of Title 40 CFR Part 63, subpart VVV, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart VVV			
Federal Register Citation	Volume	Date	Notice

40 CFR Part 63 subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	October 26, 1999	[64 FR 57572]
Revision	Vol. 66	March 23, 2001	[66 FR 16140]
Revision	Vol. 67	October 10, 2002	[67 FR 64742]

Revise Regulation 61-62.63, Subpart GGGG to read:

Subpart GGGG - “National Emission Standards For Hazardous Air Pollutants: Solvent Extraction For Vegetable Oil Production”

The provisions of Title 40 CFR Part 63, subpart GGGG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	April 12, 2001	[66 FR 19006]
Revision	Vol. 67	April 5, 2002	[67 FR 16317]

Add Regulation 61-62.63, Subpart HHHH to read:

Subpart HHHH - “National Emission Standards For Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production”

The provisions of Title 40 CFR Part 63, subpart HHHH, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17824]

Add Regulation 61-62.63, Subpart JJJJ to read:

Subpart JJJJ - “National Emission Standards For Hazardous Air Pollutants: Paper and Other Web Coating”

The provisions of Title 40 CFR Part 63, subpart JJJJ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	December 4, 2002	[67 FR 72330]

Add Regulation 61-62.63, Subpart NNNN to read:

Subpart NNNN - “National Emission Standards For Hazardous Air Pollutants: Surface Coating of Large Appliances”

The provisions of Title 40 CFR Part 63, subpart NNNN, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart NNNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 23, 2002	[67 FR 48254]

Add Regulation 61-62.63, Subpart SSSS to read:

Subpart SSSS - “National Emission Standards For Hazardous Air Pollutants: Surface Coating of Metal Coil”

The provisions of Title 40 CFR Part 63, subpart SSSS, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart SSSS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 10, 2002	[67 FR 39794]

Add Regulation 61-62.63, Subpart TTTT to read:

Subpart TTTT - “National Emission Standards For Hazardous Air Pollutants for Leather Finishing Operations”

The provisions of Title 40 CFR Part 63, subpart TTTT, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart TTTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	February 27, 2002	[67 FR 9156]

Add Regulation 61-62.63, Subpart UUUU to read:

Subpart UUUU - “National Emission Standards For Hazardous Air Pollutants for Cellulose Products Manufacturing”

The provisions of Title 40 CFR Part 63, subpart UUUU, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 11, 2002	[67 FR 40044]

Add Regulation 61-62.63, Subpart XXXX to read:

Subpart XXXX - “National Emission Standards For Hazardous Air Pollutants for Rubber Tire Manufacturing”

The provisions of Title 40 CFR Part 63, subpart XXXX, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XXXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 9, 2002	[67 FR 45588]

Revise Regulation 61-62.63, Subpart QQQQQ to read:

Subpart QQQQQ - “National Emission Standards For Hazardous Air Pollutants for Friction Materials Manufacturing Facilities”

The provisions of Title 40 CFR Part 63, subpart QQQQQ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart QQQQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	October 18, 2002	[67 FR 64498]

R. 61-62.70, Title V Operating Permit Program:

Revise Section 70.2 r.(2)(xxvii) to read:

(xxvii) Any other stationary source category, which as of August 7, 1980, is being regulated under section 111 or 112 of the Act;

R. 61-62.70.5 Permit applications

Revise Section 70.5 a.(1)(ii), to read:

(a) Duty to apply. For each Part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this Section.

(1) Timely application.

(i) A timely application for a source applying for a Part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the Department may establish.

(ii) Part 70 sources required to meet the requirements under Section 112(g) of the Act, or to have a permit under the preconstruction review program approved into the South Carolina Implementation Plan under Part C or D of Title I of the Act, shall file a complete application to obtain the Part 70 permit or permit revision within 12 months after commencing operation or on or before such earlier date as the permitting authority may establish. Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation.

Fiscal Impact Statement:

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of this amendment; therefore, no additional

state funding is being requested. Existing staff and resources will be utilized in additional regulatory administration resulting from these amendments to the regulations. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

Purpose of Regulation: These amendments and corrections will maintain conformity with Federal requirements and ensure compliance with Federal standards.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards*, is S.C. Code Section 48-1-10 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutant*; to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to maintain consistency with Federal rules and will not require legislative review.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

EPA has provided the estimated costs and benefits for these standards in the *Federal Register* notices

that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in Federal law through the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

While there is no specific detrimental effect on the environment and public health, the State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.

ATTACHMENT 4

Transcript of the Public Hearing
June 12, 2003

COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

BEFORE THE SOUTH CAROLINA
BOARD OF HEALTH AND
ENVIRONMENTAL CONTROL

PUBLIC HEARING AND REQUEST)
FOR FINAL APPROVAL:)

PROPOSED AMENDMENT OF)
REGULATION 61-62)

AIR POLLUTION CONTROL)
REGULATIONS AND STANDARDS,)
AND THE SOUTH CAROLINA STATE)
IMPLEMENTATION PLAN (SIP))

STATE REGISTER DOCUMENT)
NO. 2840)

- - -

TRANSCRIPT OF TESTIMONY

- - -

COLUMBIA, SOUTH CAROLINA
THURSDAY, JUNE 12, 2003
10:45 A.M. - 10:49 A.M.

- - -

PUBLIC HEARING BEFORE THE SOUTH CAROLINA BOARD OF
HEALTH AND ENVIRONMENTAL CONTROL, AT THE BOARD ROOM, AYCOCK
BUILDING, 2600 BULL STREET, COLUMBIA, SOUTH CAROLINA, ON
THURSDAY, JUNE 12, 2003, IN THE ABOVE-ENTITLED MATTER.

IRENE H. CASTLES, CVR
1211 METZE RD., D-4
COLUMBIA, SOUTH CAROLINA 29210-0725
(803) 772-9373

APPEARANCES: BOARD MEMBERS:
 ELIZABETH HAGOOD, CHAIRMAN
 MARK B. KENT, VICE CHAIRMAN
 HOWARD L. BRILLIANT, M.D., SECRETARY
 L. MICHAEL BLACKMON
 CARL L. BRAZELL
 LARRY R. CHEWNING, D.M.D.

CARL ROBERTS, ESQ., DHEC GENERAL COUNSEL,
 ATTORNEY FOR BOARD

AMONG OTHERS PRESENT:

DHEC STAFF:

C. EARL HUNTER, COMMISSIONER	
LISA LUCAS, CLERK OF BOARD	
LEON FRISHMAN	
JIM JOY	ALTON BOOZER
PEGGY EPTING	JOHN LITTON
DAVID WILSON	DICK HATFIELD
JOEL GRICE	LEWIS SHAW
THOM BERRY	SHELLY SHERRITT
JACKIE DICKMAN, ESQ.	
ALEX SHISSIAS, ESQ.	
HEATHER PRESTON	

BRADFORD W. WYCHE, BOARD PAST CHAIRMAN
 COLEMAN BUCKHOUSE, M.D., BOARD
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 DAVID SUMMER, ESQ., PARKER POE
 RANDALL HILLER, ESQ., PARIS MOUNTAIN
 UTILITIES
 SUSAN LAKE, ESQ.
 BOB COBLE, ESQ.
 KRIS PICKLER, ESQ.

IRENE H. CASTLES, CERTIFIED VERBATIM REPORTER

IRENE H. CASTLES, CVR

I N D E X

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PRESENTATION BY MS. PRESTON -----	5
MOTION BY MR. KENT -----	6
VOTE ON MOTION -----	7

IRENE H. CASTLES, CVR

P R O C E E D I N G

CHAIRMAN HAGOOD: WE WILL NOW HAVE TWO PUBLIC
HEARINGS PURSUANT TO CODE SECTION 1-23-111.

NOTICE OF THESE HEARINGS WAS PUBLISHED IN THE
STATE REGISTER.

THE FOLLOWING PROCEDURE WILL BE USED FOR EACH
HEARING:

A MEMBER OF THE DHEC STAFF WILL DESCRIBE THE
PROPOSAL. AT THE CONCLUSION OF THAT PRESENTATION, ANY
MEMBER OF THE PUBLIC MAY COMMENT. I WILL CALL FIRST
ON THOSE WHO HAVE SIGNED UP TO SPEAK. AT THE
CONCLUSIONS OF THEIR COMMENTS, THERE WILL BE AN
OPPORTUNITY FOR ANY OTHER MEMBER OF THE PUBLIC TO
SPEAK.

PLEASE LIMIT COMMENTS TO FIVE MINUTES, AND IF
SEVERAL MEMBERS OF A GROUP ARE PRESENT, PLEASE APPOINT
A SPOKESPERSON FOR THAT GROUP. PLEASE LIMIT YOUR
COMMENTS TO MATERIAL WHICH IS RELEVANT AND IS NOT
REPETITIVE OF STATEMENTS ALREADY MADE.

THIS HEARING IS BEING RECORDED BY A COURT
REPORTER. IF YOU HAVE A WRITTEN STATEMENT, PLEASE
PROVIDE A COPY TO THE REPORTER.

ALL RIGHT, WE WILL NOW MOVE TO ITEM FOUR ON THIS
AGENDA, PROPOSED AMENDMENTS TO REGULATION 61-62, AIR
POLLUTION CONTROL REGULATIONS AND STANDARDS.

IRENE H. CASTLES, CVR

1 I BELIEVE MS. PRESTON WILL PRESENT.

2 MS. PRESTON: GOOD MORNING, MADAM CHAIRMAN AND
3 MEMBERS OF THE BOARD. THIS NEXT ITEM IS A REQUEST FOR
4 A FINDING OF NEED AND REASONABLENESS TO AMEND
5 REGULATION 61-62, AIR POLLUTION CONTROL REGULATIONS
6 AND STANDARDS, AND THE SOUTH CAROLINA STATE
7 IMPLEMENTATION PLAN, OTHERWISE KNOWN AS THE SIP.

8 THE PRIMARY PURPOSE FOR THIS REVISION IS SIMPLY
9 TO UPDATE THE REGULATIONS TO ENSURE COMPLIANCE WITH
10 FEDERAL REQUIREMENTS. MORE SPECIFICALLY, THE
11 DEPARTMENT IS PROPOSING TO AMEND REGULATION 61-62.60
12 AND 61-62.63 TO INCORPORATE BY REFERENCE NEW FEDERAL
13 REGULATIONS AND AMENDMENTS TO EXISTING FEDERAL
14 REGULATIONS WHICH E.P.A. HAS PROMULGATED TO 40 C.F.R.,
15 PART 60 AND 63, OVER THE COURSE OF THE LAST CALENDAR
16 YEAR.

17 AND IN ADDITION, THE DEPARTMENT IS PROPOSING TO
18 MAKE JUST SOME MINOR CHANGES TO REGULATION 61-62.70,
19 WHICH IS KNOWN AS THE TITLE FIVE OPERATING PERMIT
20 PROGRAM, AND 61-62.1, DEFINITIONS AND GENERAL
21 REQUIREMENTS, AND AGAIN THE REASON FOR THESE CHANGES
22 IS SIMPLY TO ENSURE COMPLIANCE WITH FEDERAL
23 REQUIREMENTS.

24 NUMEROUS PUBLIC COMMENT OPPORTUNITIES WERE
25 AFFORDED DURING THE DEVELOPMENT OF THIS AMENDMENT.

IRENE H. CASTLES, CVR

1 NOTICES OF DRAFTING AND A PUBLIC HEARING NOTICE WERE
2 PUBLISHED IN THE *STATE REGISTER* AND MAILED TO
3 INTERESTED PARTIES, AND IN ADDITION, STAFF CONDUCTED
4 AN INFORMATIONAL FORUM ON MAY 27TH, AND I SHOULD NOTE
5 THAT NO COMMENTS WERE RECEIVED ON THE PROPOSED
6 AMENDMENTS.

7 AS THERE IS NOTHING IN THIS AMENDMENT WHICH IS
8 MORE STRINGENT THAN THE FEDERAL REQUIREMENTS,
9 LEGISLATIVE REVIEW WILL NOT BE REQUIRED.

10 THEREFORE, STAFF RECOMMENDS THAT BASED UPON THE
11 PUBLIC HEARING AND THE ATTACHED INFORMATION THAT THE
12 BOARD FIND FOR THE NEED AND REASONABLENESS OF THE
13 PROPOSED AMENDMENT AND APPROVE IT FOR PUBLICATION AS
14 FINAL IN THE *STATE REGISTER*.

15 THANK YOU.

16 CHAIRMAN: THANK YOU, MS. PRESTON. WE DON'T HAVE
17 ANYBODY WHO HAS SIGNED UP TO SPEAK ON THE SIGN-UP
18 SHEET, SO IF ANYBODY IS OUT THERE FROM THE PUBLIC WHO
19 WOULD LIKE TO, NOW IS THE TIME.

20 O.K., THERE BEING NONE, THE BOARD HAS A CHANCE.

21 MR. KENT: JUST ONE QUESTION. THIS IS EXEMPT
22 FROM LEGISLATIVE REVIEW; IS THAT CORRECT?

23 MS. PRESTON: YES, THAT'S CORRECT.

24 MR. KENT: O.K. I WOULD LIKE TO MAKE A MOTION
25 AND MOVE THAT WE APPROVE THE STAFF'S RECOMMENDATION

IRENE H. CASTLES, CVR

1 AND THE BOARD FIND FOR THE NEED AND REASONABLENESS OF
2 THIS REGULATION AND APPROVE IT FOR PUBLICATION AS
3 FINAL IN THE *STATE REGISTER*.

4 DR. CHEWNING: SECOND.

5 CHAIRMAN: SECONDED. ANY OTHER DISCUSSION ON
6 THAT? (NO RESPONSE)

7 ALL RIGHT, ALL THOSE IN FAVOR OF STAFF'S CHANGES,
8 INDICATE BY SAYING AYE. (AYES)

9 ALL OPPOSED? (NO RESPONSE)

10 IT PASSES. THANK YOU SO MUCH.

11 -----

12 HEARING CONCLUDED AT 10:49 A.M.

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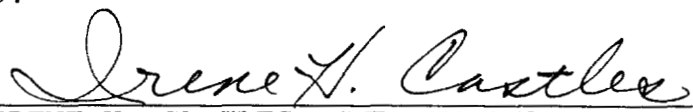
25 .

IRENE H. CASTLES, CVR

STATE OF SOUTH CAROLINA)
) CERTIFICATE OF REPORTER
 COUNTY OF RICHLAND)

BE IT KNOWN THAT I AM A DULY QUALIFIED COURT
 REPORTER; THAT I WAS HIRED TO TAKE THE TESTIMONY IN THIS
 MATTER; THAT I TOOK NOTES, BY STENOMASK, OF THE SAID
 TESTIMONY; THAT THE SAID NOTES WERE REDUCED TO TYPEWRITING
 BY ME; AND THAT THE FOREGOING SEVEN PAGES REPRESENT A
 COMPLETE, ACCURATE, AND TRUE TRANSCRIPT, TO THE BEST OF MY
 SKILL AND ABILITY.

WITNESS MY HAND AT COLUMBIA, SOUTH CAROLINA, THIS
 13TH DAY OF JUNE, 2003.


 IRENE H. CASTLES, CVR, NOTARY PUBLIC
 MY COMMISSION EXPIRES JULY 24, 2010.

IRENE H. CASTLES, CVR

ATTACHMENT 5

Notice of Drafting
Published in the *State Register*
November 22, 2002

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Notice of Drafting:

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*. Interested persons are invited to present their views in writing to Thomas J. Flynn, III, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by December 23, 2002, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. The Department proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; 61-62.63, *National Emission Standards for Hazardous Air Pollutants*; and 61-62.70, *Title V Operating Permit Program*, to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. The Department may also propose typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments in this Notice will not be more stringent than the current Federal requirements. The proposed amendments will not require legislative review.

ATTACHMENT 6

Notice of Proposed Regulation
Published in the *State Register*
April 25, 2003

Document No.2840
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan

Preamble:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutant*; to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to maintain consistency with Federal rules and will not require legislative review.

A Notice of Drafting for these proposed changes was published in the *State Register* on November 22, 2002. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions

SECTION CITATION: EXPLANATION OF CHANGE:

R. 61-62.1, Section II H.1(a) – Permit Requirements	Delete the words “Section I,”
R. 61-62.1, Section IV B. 2. – Source Tests	Clarify language specifying authorization of proposing alternate test methods
R. 61-62.60	Tables in Subparts A, J, SSS, VVV, and AAAA are amended
R. 61-62.63	Tables in Subparts A, T, AA, BB, GG, LL, SS, TT, UU, WW, YY, EEE, JJJ, LLL, MMM, RRR, VVV, and GGGG are amended
R. 61-62.63	Tables in Subparts J, XX, QQQ, UUU, HHHH, JJJJ, NNNN, SSSS, TTTT, UUUU, XXXX, and QQQQQ

are added in alpha-numeric order and incorporated by reference

R. 61-62.70.2 r (2)(xxvii)

Amend definition to include stationary sources regulated as of August 7, 1980

R. 61-62.70.5(a)(1)(ii)

Add deleted text to paragraph (ii)

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on May 27, 2003, at 10:00 a.m. in room 2280 at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to receive comments from interested persons on the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

Interested persons are also provided an opportunity to submit written comments to Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on May 27, 2003. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-3251.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to comment on the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on June 12, 2003. The public hearing is to be held in room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments to Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Regulatory Development Section, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-3251. To be considered, comments must be received no later than 5:00 p.m. on May 27, 2003. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on June 12, 2003, as noticed above. Comments received shall be submitted to the Board in a Summary of Public comments and Department Responses.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code

Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

Purpose of Regulation: These amendments and corrections will maintain conformity with Federal requirements and ensure compliance with Federal standards.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards*, is S.C. Code Section 48-1-10 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutant*; to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to maintain consistency with Federal rules and will not require legislative review.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

EPA has provided the estimated costs and benefits for these standards in the *Federal Register* notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in Federal law through the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

While there is no specific detrimental effect on the environment and public health, the State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.

Text of Proposed Amendments to Regulation 61-62 for Public Comment:

R. 61-62.1, Definitions and General Requirements:

Regulation 61-62.1, Section II. H.1.(a) – Permit Requirements, shall be amended as follows:

SECTION II – PERMIT REQUIREMENTS

H. Synthetic Minor Plant Permits

1. General Provisions

(a) Any stationary source that is a major plant or major modification, as defined by S.C. Regulation 61-62.5, Standard No. 7 may request to use federally enforceable permit conditions to limit the source's potential to emit and become a synthetic minor plant.

R. 61-62.1, Definition and General Requirements:

Regulation 61-62.1, Section IV B.2. – Source Tests, shall be amended as follows:

SECTION IV – SOURCE TESTS

B. Submission and Approval of a Site-Specific Test Plan

2. All test methods included in the site-specific test plan must be either EPA Reference Methods described in 40 CFR Part 51, Appendix M, or 40 CFR Part 60, Appendix A, or 40 CFR Part 61, Appendix B, or 40 CFR Part 63, Appendix A. If an applicable air regulation or permit provides for a choice of test methods, the selected method must be approved by the Department. If an applicable air regulation or permit does not specify use of an EPA standard reference method, the alternative test method to be used must be approved by the Department

R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards:

Regulation 61-62.60, Subpart A shall be revised as follows:

Subpart A - "General Provisions"

The provisions of Title 40 CFR Part 60, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 66	August 27, 2001	[66 FR 44978]

Regulation 61-62.60, Subpart J shall be revised as follows:

Subpart J - “Standards of Performance for Petroleum Refineries”

The provisions of Title 40 CFR Part 60, subpart J as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Regulation 61-62.60, Subpart SSS shall be revised as follows:

Subpart SSS - “Standards of Performance for Magnetic Tape Coating Facilities”

The provisions of Title 40 CFR Part 60, subpart SSS as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart SSS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 53	October 3, 1988	[53 FR 38914]
Revision	Vol. 53	October 28, 1988	[53 FR 43799]

40 CFR Part 60 subpart SSS			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 53	November 29, 1988	[53 FR 47955]
Revision	Vol. 53	December 9, 1988	[53 FR 49822]
Revision	Vol. 64	February 12, 1999	[64 FR 7467]

Regulation 61-62.60, Subpart VVV shall be revised as follows:

Subpart VVV - “Standards of Performance for Polymeric Coating of Supporting Substrates Facilities”

The provisions of Title 40 CFR Part 60, subpart VVV as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 54	September 11, 1989	[54 FR 37551]
Revision	Vol. 61	March 12, 1996	[61 FR 9905]

Regulation 61-62.60, Subpart AAAA shall be revised as follows:

Subpart AAAA - “New Source Performance Standards for New Small Municipal Waste Combustion Units”

The provisions of Title 40 CFR Part 60, subpart AAAA as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart AAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 6, 2000	[65 FR 76350]

R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Regulation 61-62.63, Subpart A shall be revised as follows:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 63, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]

Regulation 61-62.63, Subpart J, which was formerly reserved, shall be added in alpha-numeric order as follows:

Subpart J - “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production”

The provisions of Title 40 CFR Part 63, subpart J, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 10, 2002	[67 FR 45866]

Regulation 61-62.63, Subpart T shall be revised as follows:

Subpart T - “National Emission Standards for Halogenated Solvent Cleaning”

The provisions of Title 40 CFR Part 63, subpart T, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 2, 1994	[59 FR 61805]
Revision	Vol. 59	December 30, 1994	[59 FR 67750]
Revision	Vol. 60	June 5, 1995	[60 FR 29485]
Revision	Vol. 63	May 5, 1998	[63 FR 24751]

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	December 11, 1998	[63 FR 68400]
Revision	Vol. 64	July 13, 1999	[64 FR 37687]
Revision	Vol. 64	October 18, 1999	[64 FR 56173]
Revision	Vol. 64	December 3, 1999	[64 FR 67793]
Revision	Vol. 65	September 8, 2000	[65 FR 54419]

Regulation 61-62.63, Subpart AA shall be revised as follows:

Subpart AA - “National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants”

The provisions of Title 40 CFR Part 63, subpart AA, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart AA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31376]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 12, 2002	[67 FR 40578]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]

Regulation 61-62.63, Subpart BB shall be revised as follows:

Subpart BB - “National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizer Production Plants”

The provisions of Title 40 CFR Part 63, subpart BB, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31382]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]

Regulation 61-62.63, Subpart GG shall be revised as follows:

Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

The provisions of Title 40 CFR Part 63, subpart GG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]

40 CFR Part 63 subpart GG			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15016]
Revision	Vol. 63	September 1, 1998	[63 FR 46532]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]

Regulation 61-62.63, Subpart LL shall be revised as follows:

Subpart LL - “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”

The provisions of Title 40 CFR Part 63, subpart LL, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart LL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997	[62 FR 52407]

Regulation 61-62.63, Subpart SS shall be revised as follows:

Subpart SS - “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process”

The provisions of Title 40 CFR Part 63, subpart SS, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart SS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34866]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart TT shall be revised as follows:

Subpart TT - “National Emission Standards for Equipment Leaks - Control Level 1”

The provisions of Title 40 CFR Part 63, subpart TT, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart TT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34886]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart UU shall be revised as follows:

Subpart UU - “National Emission Standards for Equipment Leaks - Control Level 2 Standards”

The provisions of Title 40 CFR Part 63, subpart UU, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34899]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart WW shall be revised as follows:

Subpart WW - “National Emission Standards for Storage Vessels (Tanks) - Control Level 2”

The provisions of Title 40 CFR Part 63, subpart WW, as originally published in the *Federal* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart WW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34918]
Revision	Vol.67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart XX shall be added in alpha-numeric order as follows:

Subpart XX - “National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations”

The provisions of Title 40 CFR Part 63, subpart XX, as originally published in the *Federal* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart YY shall be revised as follows:

Subpart YY - “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”

The provisions of Title 40 CFR Part 63, subpart YY, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart YY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34921]

40 CFR Part 63 subpart YY			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]

Regulation 61-62.63, Subpart EEE shall be revised as follows:

Subpart EEE - “National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors”

The provisions of Title 40 CFR Part 63, subpart EEE, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September, 30, 1999	[64 FR 53027]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 19, 2002	[67 FR 77687]

Regulation 61-62.63, Subpart JJJ shall be revised as follows:

Subpart JJJ - “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

The provisions of Title 40 CFR Part 63, subpart JJJ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48229]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1838]
Revision	Vol. 62	June 6, 1997	[62 FR 30995]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]
Revision	Vol. 63	February 27, 1998	[63 FR 9944]

40 CFR Part 63 subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	March 31, 1998	[63 FR 15315]
Revision	Vol. 64	March 9, 1999	[64 FR 11547]
Revision	Vol. 64	June 8, 1999	[64 FR 30409]
Revision	Vol. 64	June 30, 1999	[64 FR 35028]
Revision	Vol. 65	June 19, 2000	[65 FR 38094]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]
Revision	Vol. 66	February 23, 2001	[66 FR 11233]
Revision	Vol. 66	February 26, 2001	[66 FR 11543]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]
Revision	Vol. 66	August 6, 2001	[66 FR 40903]

Regulation 61-62.63, Subpart LLL shall be revised as follows:

Subpart LLL - “National Emission Standards for the Portland Cement Manufacturing Industry”

The provisions of Title 40 CFR Part 63, subpart LLL, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31925]
Revision	Vol. 64	September 30, 1999	[64 FR 53070]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]

Regulation 61-62.63, Subpart MMM shall be revised as follows:

Subpart MMM - “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”

The provisions of Title 40 CFR Part 63, subpart MMM, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart MMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 23, 1999	[64 FR 33589]
Revision	Vol. 66	November 21, 2001	[66 FR 58393]
Revision	Vol. 67	March 22, 2002	[67 FR 13508, 13514]
Revision	Vol. 67	May 1, 2002	[67 FR 21579]
Revision	Vol. 67	June 3, 2002	[67 FR 38200]
Revision	Vol. 67	September 20, 2002	[67 FR 59336]

Regulation 61-62.63, Subpart QQQ shall be added in alpha-numeric order as follows:

Subpart QQQ - “National Emission Standards for Hazardous Air Pollutants for Primary Copper

Smelting”

The provisions of Title 40 CFR Part 63, subpart QQQ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart QQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 12, 2002	[67 FR 40478]

Regulation 61-62.63, Subpart RRR shall be revised as follows:

Subpart RRR - “National Emission Standards for Hazardous Air Pollutant Emissions for Secondary Aluminum Production”

The provisions of Title 40 CFR Part 63, subpart RRR, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]

Regulation 61-62.63, Subpart UUU shall be added in alpha-numeric order as follows:

Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units”

The provisions of Title 40 CFR Part 63, subpart UUU, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]

Regulation 61-62.63, Subpart VVV shall be revised as follows:

Subpart VVV - “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”

The provisions of Title 40 CFR Part 63, subpart VVV, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart VVV			
Federal Register Citation	Volume	Date	Notice

40 CFR Part 63 subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	October 26, 1999	[64 FR 57572]
Revision	Vol. 66	March 23, 2001	[66 FR 16140]
Revision	Vol. 67	October 10, 2002	[67 FR 64742]

Regulation 61-62.63, Subpart GGGG shall be revised as follows:

Subpart GGGG - “National Emission Standards For Hazardous Air Pollutants: Solvent Extraction For Vegetable Oil Production”

The provisions of Title 40 CFR Part 63, subpart GGGG, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	April 12, 2001	[66 FR 19006]
Revision	Vol. 67	April 5, 2002	[67 FR 16317]

Regulation 61-62.63, Subpart HHHH shall be added in alpha-numeric order as follows:

Subpart HHHH - “National Emission Standards For Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production”

The provisions of Title 40 CFR Part 63, subpart HHHH, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17824]

Regulation 61-62.63, Subpart JJJJ shall be added in alpha-numeric order as follows:

Subpart JJJJ - “National Emission Standards For Hazardous Air Pollutants: Paper and Other Web Coating”

The provisions of Title 40 CFR Part 63, subpart JJJJ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	December 4, 2002	[67 FR 72330]

Regulation 61-62.63, Subpart NNNN shall be added in alpha-numeric order as follows:

Subpart NNNN - “National Emission Standards For Hazardous Air Pollutants: Surface Coating of Large Appliances”

The provisions of Title 40 CFR Part 63, subpart NNNN, as originally published in the *Federal*

Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart NNNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 23, 2002	[67 FR 48254]

Regulation 61-62.63, Subpart SSSS shall be added in alpha-numeric order as follows:

Subpart SSSS - “National Emission Standards For Hazardous Air Pollutants: Surface Coating of Metal Coil”

The provisions of Title 40 CFR Part 63, subpart SSSS, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart SSSS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 10, 2002	[67 FR 39794]

Regulation 61-62.63, Subpart TTTT shall be added in alpha-numeric order as follows:

Subpart TTTT - “National Emission Standards For Hazardous Air Pollutants for Leather Finishing Operations”

The provisions of Title 40 CFR Part 63, subpart TTTT, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart TTTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	February 27, 2002	[67 FR 9156]

Regulation 61-62.63, Subpart UUUU shall be added in alpha-numeric order as follows:

Subpart UUUU - “National Emission Standards For Hazardous Air Pollutants for Cellulose Products Manufacturing”

The provisions of Title 40 CFR Part 63, subpart UUUU, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart UUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 11, 2002	[67 FR 40044]

Regulation 61-62.63, Subpart XXXX shall be added in alpha-numeric order as follows:

Subpart XXXX - “National Emission Standards For Hazardous Air Pollutants for Rubber Tire Manufacturing”

The provisions of Title 40 CFR Part 63, subpart XXXX, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XXXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 9, 2002	[67 FR 45588]

Regulation 61-62.63, Subpart QQQQQ shall be added in alpha-numeric order as follows:

Subpart QQQQQ - “National Emission Standards For Hazardous Air Pollutants for Friction Materials Manufacturing Facilities”

The provisions of Title 40 CFR Part 63, subpart QQQQQ, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart QQQQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	October 18, 2002	[67 FR 64498]

R. 61-62.70, Title V Operating Permit Program:

Regulation 61-62.70.2 r.(2)(xxvii), – Definitions, shall be amended as follows:

(xxvii) Any other stationary source category, which as of August 7, 1980, is being regulated under section 111 or 112 of the Act;

R. 61-62.70.5 Permit applications

Regulation 61-62.70.5 a.(1)(ii), – Definitions, shall be amended as follows:

(a) Duty to apply. For each Part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this Section.

(1) Timely application.

(i) A timely application for a source applying for a Part 70 permit for the first time is one that is submitted within 12 months after the source becomes subject to the permit program or on or before such earlier date as the Department may establish.

(ii) Part 70 sources required to meet the requirements under Section 112(g) of the Act, or to have a permit under the preconstruction review program approved into the South Carolina Implementation Plan under Part C or D of Title I of the Act, shall file a complete application to obtain the Part 70 permit or permit revision within 12 months after commencing operation or on or before such earlier date as the permitting authority may establish. Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation.

ATTACHMENT 7

South Carolina's Legal Authority
EPA-Approved SIP

Legal Authority - Adequacy of South Carolina Laws

Legal Authority

No plan for attaining a goal, the attainment of which is dependent upon regulatory action, can be used with any degree of effectiveness unless the legal framework is strong. Consequently, the Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR 51, as amended, define the necessary statutory powers which must be immediately available to states to carry out the responsibility to the Clean Air Act.

40 CFR 51.230 sets forth six specific requirements for state authority. The South Carolina Pollution Control Act, Act 1157 of 1970, as amended, S. C. Code Sections 48-1-10 through -350 (1976), provides the State's authority to respond to these requirements. The Attorney General of the State of South Carolina has given an opinion as to the adequacy of South Carolina laws, as follows:

Legal Authority Required 40 CFR 51	Adequacy of S. C. Law	S. C. Statutes Involved
(a) "Adopt emission standards and limitations..."	Adequate	S. C. Code Secs. 48-1-20, -50(23)
(b) "Enforce applicable laws, regulations, & standards, and seek injunctive relief."	Adequate	S. C. Code Sec. 48-1-50(1), (3), (4), (5), (11); Secs. 48-1-120, -130, -210, -320, -330.
(c) "Abate pollutant emissions on an emergency basis...comparable to the Administrator under Section 303 of the Act."	Adequate	S. C. Code Sec. 48-1-290.
(d) "Prevent construction, modification...where emissions will prevent attainment or maintenance of a national standard."	Adequate	S. C. Code Sec. 48-1-50(5), (10); Secs. 48-1-100, -110.
(e) "Obtain information necessary to determine whether air pollution sources are in compliance..., including authority to require record keeping and to make inspections and conduct tests of air pollution sources."	Adequate	S. C. Code Sec. 48-1-50(10), (20), (22), (24).
(f) "Require owners or operators of stationary sources to install, maintain and use emission monitoring devices and to make periodic reports to the state...; also to make such data available to the public...."	Adequate	S. C. Code Secs. 48-1-50(22), -270.

Public Hearings

The South Carolina Pollution Control Act provides for notice and public hearings prior to action by the Board of Health and Environmental Control concerning adoption of regulations and standards, adoption or modification of final compliance dates, and other specified legal actions.

Additionally, Act 176 of 1977 enacted by the South Carolina General Assembly requires, among other

things, that at least thirty days public notice be given before adoption, amendment or repeal of any rule. It also requires that the substance of the intended action or a description of the subjects and issues involved be made known. While this act escapes the actual requirement for a public hearing in each case, the two Acts taken together do impose the requirement of a thirty days' notice of public hearing, assuring compliance with the requirements of 40 CFR 51.102 as amended.

Public Availability of Information

The South Carolina Pollution Control Act provides for the public availability of any records, report or information obtained under the provisions of the Act. However, upon a showing satisfactory to the Department that records, reports or information, other than effluent or emission data, if made public would divulge methods or processes entitled to protection as trade secrets of the source, the Department shall consider such data confidential.

All source data are kept on file at the offices of the Bureau of Air Quality Control, Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, and are available to the public at this location, Monday through Friday, between the hours of 8:30 a.m. and 5:00 p.m. Such data are retained in the Permit, Source Test, and Emission Inventory Files.

The files contain information as to the source emissions, and these emissions are depicted in comparison to the applicable emission standards or limitations as stated in the Air Pollution Control Regulations and Standards for the State of South Carolina.